

MARK G. HENNESS, ESQ.  
Nevada Bar No. 5482  
STEPHEN J. MENDENHALL, ESQ.  
Nevada Bar No. 15286  
HENNESS & HAIGHT  
8972 Spanish Ridge Avenue  
Las Vegas, Nevada 89148  
(702) 862-8200  
stephenm@hennessandhaight.com  
*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

BARBARA HERPOLSHEIMER, as Special  
Administratrix to the Estate of BERT WEAVER,  
  
Plaintiff,

vs.

MARQUIS COMPANIES I, INC., a Foreign  
Corporation, dba MARQUIS PLAZA REGENCY  
and/or MARQUIS PLAZA REGENCY POST  
ACUTE REHAB and/or MARQUIS CARE AT  
PLAZA REGENCY; DIRECT SUPPLY, INC., a  
Foreign Corporation; INVACARE  
CORPORATION, a Foreign Corporation; ROE  
RETAILER; DOES I through X; and ROE  
CORPORATIONS I through X, inclusive,

Defendants.

MARQUIS COMPANIES I, INC., a Foreign  
Corporation, dba MARQUIS PLAZA REGENCY,

Cross-Claimant,

vs.

INVACARE CORPORATION, a Foreign  
Corporation,

Cross-Defendant.

Case No.: 2:21-cv-00659-RFB-EJY

**STIPULATION AND ORDER TO  
DISMISS WITH PREJUDICE**

1 Plaintiff, BARBARA HERPOLSHEIMER, as Special Administratrix to the Estate of  
2 BERT WEAVER (hereinafter "Plaintiff"), Defendant, MARQUIS COMPANIES I, INC.  
3 (hereinafter "Marquis"), Defendant, INVACARE CORPORATION (hereinafter "Invacare"), and  
4 Defendant, DIRECT SUPPLY, INC. (hereinafter "Direct Supply"), by and through their  
5 respective counsel of record, hereby stipulate as follows:  
6

- 7 1. That Plaintiff's claims as to Defendant, MARQUIS COMPANIES I, INC., a Foreign  
8 Corporation, dba MARQUIS PLAZA REGENCY and/or MARQUIS PLAZA  
9 REGENCY POST ACUTE REHAB and/or MARQUIS CARE AT PLAZA  
10 REGENCY, be dismissed *with prejudice*;  
11  
12 2. That Plaintiff's claims as to Defendants, DIRECT SUPPLY, INC. and INVACARE  
13 CORPORATION, be dismissed *with prejudice*;  
14  
15 3. That all parties herein bear their own attorneys' fees and costs; and  
16  
17 4. That this Stipulation and Order resolves the entirety of this case and any pending case  
18 deadlines may be vacated.

18 IT IS SO STIPULATED.

19 Dated this 25<sup>th</sup> day of March, 2024.

Dated this 25<sup>th</sup> day of March, 2024.

20 HENNESS & HAIGHT

HUTCHISON & STEFFEN

21 /s/ Stephen J. Mendenhall, Esq.  
22 MARK G. HENNESS, ESQ.  
23 Nevada Bar No. 5842  
24 STEPHEN J. MENDENHALL, ESQ.  
25 Nevada Bar No. 15286  
26 8972 Spanish Ridge Avenue  
27 Las Vegas, Nevada 89148  
28 *Attorneys for Plaintiff*

/s/ Brittany Lewis, Esq.  
DAVID J. MORTENSEN, ESQ.  
Nevada Bar No. 2547  
COURTNEY CHRISTOPHER, ESQ.  
Nevada Bar No. 12717  
BRITTANY LEWIS, ESQ.  
Nevada Bar No. 14565  
10080 West Alta Dr., Ste. 200  
Las Vegas, Nevada 89145  
*Attorneys for Defendant*  
*MARQUIS COMPANIES I, INC*

1 Dated this 25<sup>th</sup> day of March, 2024.

2 BOWMAN AND BROOKE LLP

3  
4 /s/ Lauren L. Walter, Esq.

5 WILLIAM F. AUTHER, ESQ.

6 LAUREN L. WALTER, ESQ.

7 Nevada Bar No. 16464

8 Suite 1600, Phoenix Plaza

9 2901 North Central Avenue

10 Phoenix, Arizona 85012-2736

11 MARIO D. VALENCIA, ESQ.

12 Nevada Bar No. 6154

13 Attorney at Law, LLC

14 40 S. Stephanie St., Ste. 201

15 Henderson, Nevada 89012

16 *Attorneys for Defendants*

17 *INVACARE CORPORATION and DIRECT*

18 *SUPPLY, INC.*

19 **IT IS SO ORDERED:**

20  
21 

22 **RICHARD F. BOULWARE, II**

23 **UNITED STATES DISTRICT JUDGE**

24  
25 DATED: March 28, 2024